



**NOTIFICATION DECISION REPORT
PURSUANT TO SECTION 95 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

SUBJECT:	Land Use Consent application: <ul style="list-style-type: none">• for earthworks cut and fill to construct roads and to shape the proposed lots in excess of the 1.5m and 0.5m vertical ground alteration limits outside and within setbacks;• for future development on the residential lots to exceed the provisions in relation to building coverage, plot ratio, building setbacks Subdivision Consent application: <ul style="list-style-type: none">• to subdivide to create 84 residential lots, four reserves and five roads over six Stages that will be less than the minimum and average lot sizes for the Kinloch Low Density Environment; and• to construct roads, extend water and wastewater infrastructure to service the lots Change of Conditions Consent application: <ul style="list-style-type: none">• to change conditions of Subdivision Consent RM200118A to remove Stage 9 from this consent to incorporate this area into the proposed subdivision
APPLICANT:	Seven Oaks Kinloch Limited
LOCATION:	Okaia Drive, Kinloch
RM:	240388, 240389 & 200118C
LODGEMENT DATE:	20 November 2024
NOTIFICATION DECISION DATE:	5 March 2025 [on hold for further information]
WORKING DAYS:	30 [section 37 applied]

1 BACKGROUND

Kinloch Community Structure Plan

The Kinloch Community Structure Plan (KCSP) was adopted in September 2004 and was developed through community consultation with the purpose of providing guidance and direction to developers and the community regarding new subdivision development within the Kinloch area and to enable sustainable management of future growth. The KCSP recommends a radial density pattern of higher density to the south, medium density through the central band and low density to the north and east (as shown on Figure 1 below). The KCSP identifies the application sites as being low density over the northern portion of the site and medium density over a small southern portion of the site.

For new subdivision and development, minimum and average lot sizes are required which vary depending on which density area the development is within. These particular provisions derived from the KCSP were adopted into the District Plan which became operative in 2007.

The KCSP provides an indicative collector road layout and the application site has an indicative road through the central western portion of the site and to the east to connect to Okaia Drive (which has been established through Stage 1). The KCSP states that the layout of roading infrastructure should be consistent with this indicative pattern.

The KCSP also provides strong direction towards the landscape context of Kinloch referring specifically to the headlands at either end of Whangamata bay, the lower hill slopes of the Kinloch valley, the skyline, the Whangamata, Okaia and Otaketake Stream scenic reserves and the Lake Taupō waterfront. These areas are to be protected from the effects of development.

The KCSP addresses the then developing Variation 5 to the Waikato Regional Plan to address the effects of nitrogen discharges to the catchment of Lake Taupō. The holistic management of water quality in regard to the development of land is one of the central objectives of the KCSP and the reticulation of wastewater to the centralised treatment plant became a requirement for new allotments within the KCSP.



Figure 1: Kinloch Community Structure Plan Map

RM170231

Subdivision consent RM170231 was granted February 2018 for a three lot subdivision to create Lots 1 and 2 DP 514174 of 1ha each, with Lot 2 encompassing the existing dwelling and Lot 3 being the large balance area of 32ha. The consent was given effect to pursuant to sections 223 and 224c in May 2018. The approved Title Plan is shown at Figure 2.

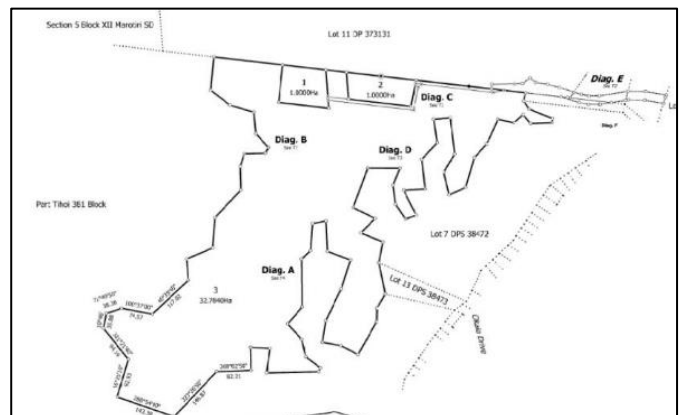


Figure 2: Title Plan LT 514174

RM180118-119

Subdivision and Land Use consent RM180118 and RM180119 was granted 25 August 2019 as Stage 1 of the Seven Oaks development, and authorises:

- subdivision of the subject site into 29 residential lots with public roads, an access lot, and the extension of water and wastewater infrastructure to service the lots; and
- earthworks cut and fill to construct roads and to shape the proposed lots in excess of the 1.5m and 0.5m vertical ground alteration limits outside and within setbacks;
- future development on the 29 residential lots to have reduced setbacks to the roads and reserves;
- future development to exceed the 4.5m height limit within 50m of the adjoining Otaketake and Okaia Stream Scenic reserves;
- some of the lots to dispose of stormwater to the proposed Local Purpose Reserve rather than onsite; and
- a sale sign exceeding the maximum dimensions.

Stage 1 of the Seven Oaks development consented under RM180118 and RM180119 (and the variations) was given effect to pursuant to sections 223 (survey plan) and 224c (all consent conditions met) in August 2020. The approved Title Plan is shown at Figure 3.

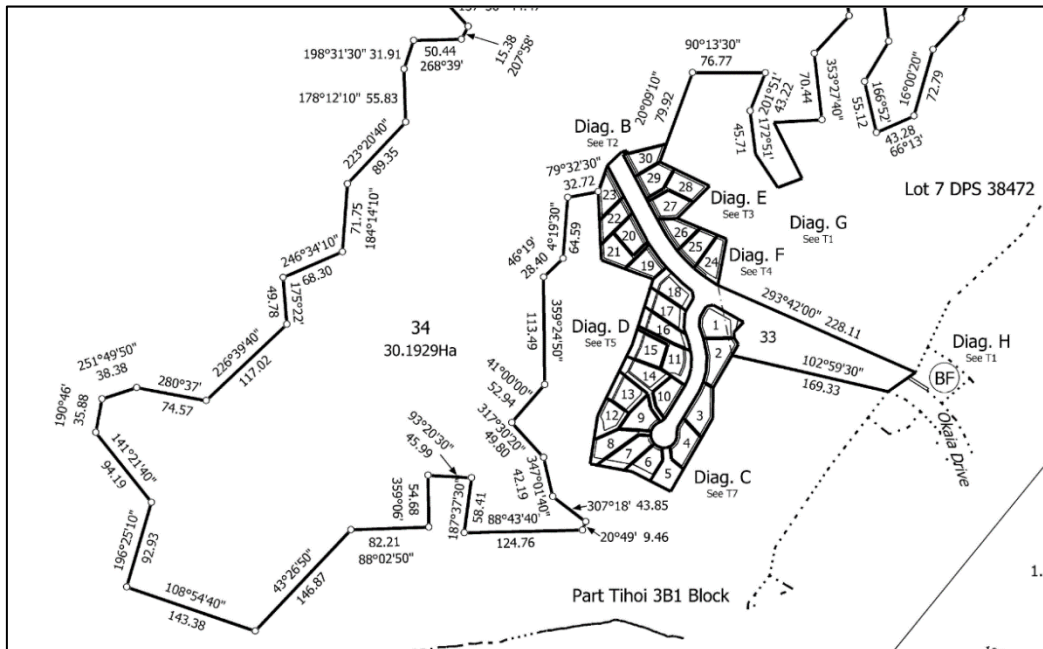


Figure 3: Title Plan for RM180118

RM200117-118

Land Use and Subdivision consent was granted 24 September 2020 as Stages 2 to 9 of the Seven Oaks development and authorises:

- earthworks cut and fill to construct roads and to shape the proposed lots in excess of the 1.5m and 0.5m vertical ground alteration limits outside and within setbacks; for future development on the some of the residential lots to have reduced front setbacks to the roads; and to exceed the 4.5m height limit within 50m of the adjoining Department of Conservation Otaketake and Okaia Stream Scenic reserves; and
- to subdivide a portion of the subject site into 132 residential lots with reserves and public roads, and to extend water and wastewater infrastructure to service the lots.

The land use component was a discretionary activity and the subdivision component was a restricted discretionary activity under the Kinloch Residential Environment rules. The application was non-notified and there were not considered to be any affected persons.

The approved scheme plan of shown below at Figure 4.

Stages 2-7 of the Seven Oaks development consented under RM200118 have been given effect to pursuant to sections 223 (survey plan) and 224c (all consent conditions met).

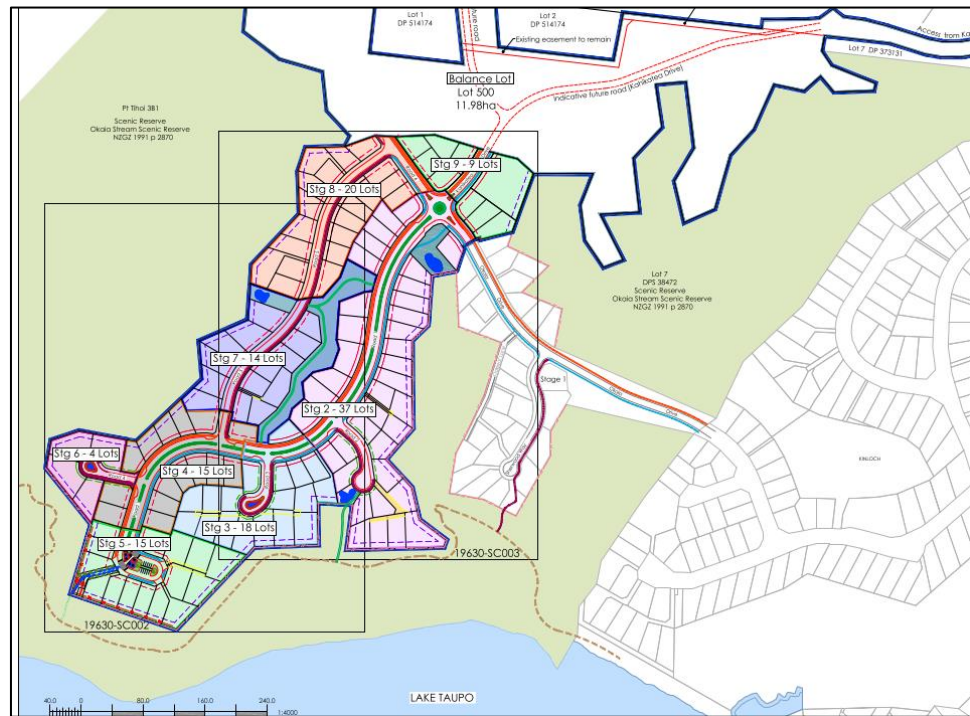


Figure 4: Approved Scheme Plan RM200118

RM230206-207

Land Use and Subdivision consent was granted 28 August 2023 for The Terraces block development and authorises:

- land use for 15 of the residential lots (on Kinloch Low Density zoning) to have the Residential Environment standards for building coverage (30%), plot ratio (30%) and setbacks (5m and 1.5m) and for greater earthworks site disturbance; and

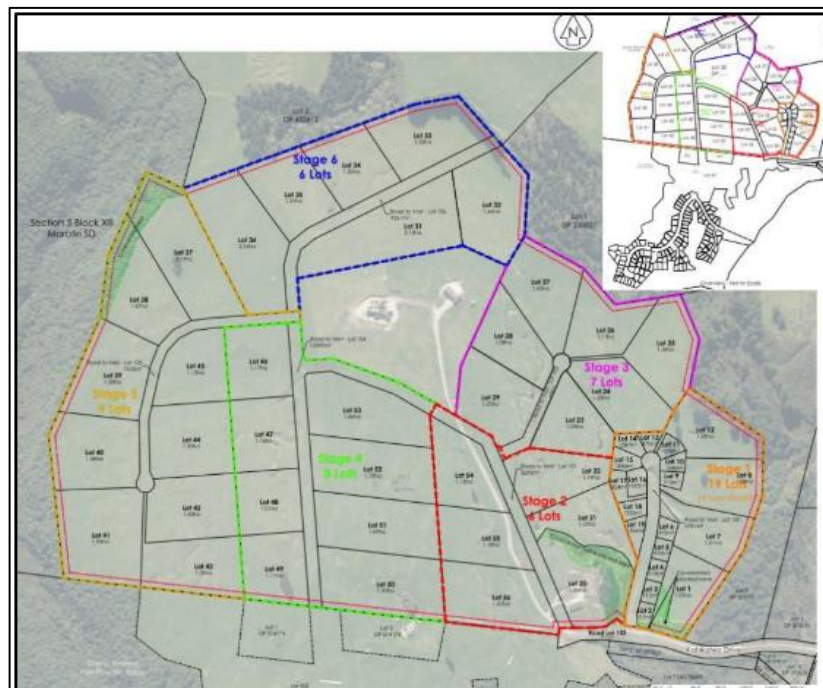


Figure 5: Approved Scheme Plan RM230206

- subdivision to create 55 lots (40 low density lots and 15 residential lots) over six Stages whereby the 15 residential lots will not meet the minimum and average lot sizes for the Kinloch Low Density

zoning; for roads to vest; for earthworks cut and fill to construct roads and to shape the proposed lots in excess of the 1.5m and 0.5m vertical ground alteration limits outside and within setbacks; and to extend water infrastructure to all lots and wastewater to the 15 residential lots; and for the 40 low density lots to not be connected to community wastewater infrastructure.

The land use and subdivision were considered as a non complying activity under the Kinloch Low Density zoning rules. The application was non-notified and there were not considered to be any affected persons.

The approved scheme plan is shown at Figure 5 above.

Stage 1 of this consent was given effect to pursuant to section 223 and all conditions met pursuant to section 224c of the RMA in November 2024.

RM230338-339 & RM200118B

This application was for a land use and subdivision of the existing Seven Oaks balance land parcel at the end of Okaia and Kahikatea Drives into 100 residential lots, reserves and roads over eight stages. The application was also for a change of conditions to RM200118A. The application was publicly notified on 4 March 2024 and 25 submissions were lodged. Further information was requested after the close of submissions, then the application was put on hold at the request of the applicant, and the application was subsequently withdrawn on 21 November 2024.

2 SITE DESCRIPTION

The application sites are located at the end of Okaia and Kahikatea Drives, Kinloch and consist of the following three titles:

- Lot 202 DP 606472 contained within Record of Title 1201870, 14.71ha in area [Otaketake Drive - no address]
- Lot 1 DP 514174 contained within Record of Title 797345, 1ha in area [27 Kahikatea Drive]
- Lot 2 DP 514174 contained within Record of Title 7877571, 1ha in area [25 Kahikatea Drive]

It is essentially the balance land to the north of the consented Seven Oaks subdivision excluding Stage 8 and including Stage 9 as well as 25 and 27 Kahikatea Drive. The total application site area (all three landholdings excluding Stage 8) is approximately 12.2ha. The application site is shown by the orange area below at Figure 6.

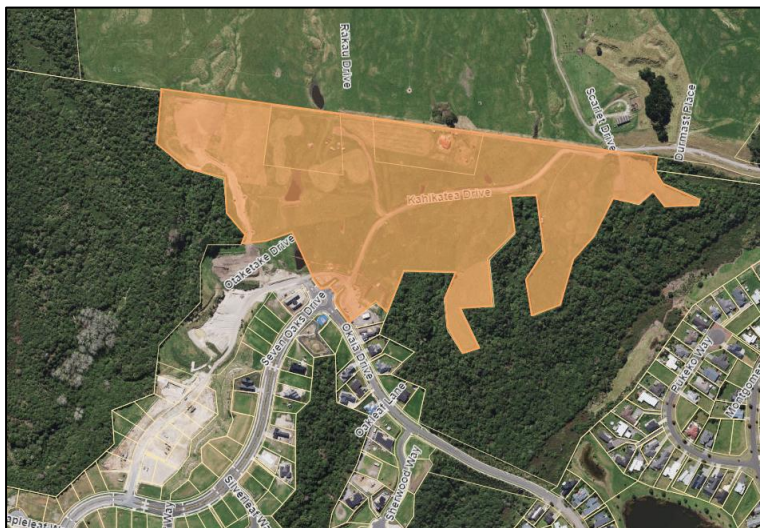


Figure 6: Aerial of Application Site

The overall site generally slopes in a north to south direction with a vertical gradient of approximately 410m above sea level to 402m above sea level over a length of approximately 300m. The site topography is undulating with humps and hollows typical of Taupō geomorphology. The soil type for the general site area is pumice, which is typical for soil within the Taupō Volcanic Zone.

The site is currently open pasture apart from 25 Kahikatea Drive which contains a small dwelling. The site was previously utilised for forestry pre-1970s and in the 1970s switched to pastoral land. The site is adjoined to the east and west by the Okaia Stream Reserve and the Otaketake Scenic Reserve. The reserves consist of dense, native vegetation of around 5m in height.

To the north is a large farm block that is currently in the process of being developed as per the Terraces subdivision RM230207 (shown at Figure 5 above). To the south are the residential sections of Stages 1-7 (implemented) and the boundary with the area of Stage 8 (not yet implemented) of the Seven Oaks subdivision RM200118 (shown at Figure 4 above).

The application site is located to the west of Kinloch township. Lake Taupō is located approximately 650m to the south and the Seven Oaks subdivision is separated from the lake by the Otaketake Scenic Reserve. The Kawakawa Bay Track (part of the Great Lake Trail) dissects through the Otaketake Scenic Reserve between Lake Taupō and the Seven Oaks subdivision.

Further to the east, and southeast is the established residential area of Kinloch. There are a range of lot sizes that have been established through various resource consents from a minimum of 400m² and maximum of 14,585m² (both sizes are found within the Locheagles subdivision). The most typical residential lot sizes are around 800m² within the southern end of Kinloch village.

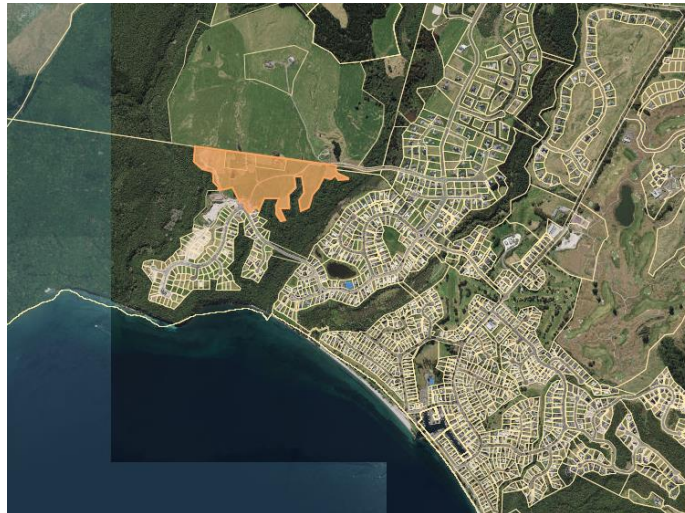


Figure 7: Aerial of Wider Area

3 FURTHER INFORMATION

Further information on the application was requested pursuant to section 92 of the RMA on 9 December 2024 including queries on:

- recreation reserve space in place of proposed Lots 85 and 86; and
- transportation effects on wider network including at the Norman Smith Street / Control Gates Bridge in Taupō township (review by Abley Consultants)

A further information response was provided by the applicant on 7 February 2025 in relation to the recreation reserve space being created, along with amended scheme plans and associated amendments to the application documents.

The Integrated Transport Assessment prepared by CKL Ltd and submitted with the application is being reviewed by Abley Consultants and this review is ongoing at the time of writing this report. The review will be finalised during the submission period of this application, in order to have this information before the hearing (if one is required).

4 DESCRIPTION OF PROPOSAL

The proposal is for the subdivision and development of the 12ha application site into 84 residential sized lots along with roads and reserves to be carried out over seven Stages, being Stages 8 to 14.

The residential lot sizes range from 800m² to 2548m² in area. The area of the application site less the area for roads and reserves is some 10ha for the Kinloch Low Density zone and 1ha for the Kinloch Residential zone areas of the site, resulting in an area of approximately 11ha available for residential lots (excluding areas for roads and reserves).

With the minimum and average lot size being 1ha and 1.5ha for Kinloch Low Density and 800m² and 1000m² for Kinloch Residential, this results in the potential for 10 residential lots (1ha / 1000m²) and six low density lots (10ha / 1.5ha). As such, the proposed subdivision will result in a higher density of lots than anticipated for the Kinloch Low Density zone, by an additional 68 lots compared to 16 lots enabled by the District Plan.

The proposed scheme plan of subdivision is shown in Figure 8 below.

It is noted that this proposal description is based on the further information provided on 7 February 2025, where applicable. The proposal is outlined under the following headings:

Proposed Lots & Staging

Stage	Lots
16 (first Stage)	<p>Subdivision of Lot 2 DP 514174 into Lots 1, 2 and 3, with Lots 2 and 3 to be amalgamated with Lot 202 DP 606472 (the existing Seven Oaks balance land).</p> <p>Residential Lot 1 of 3245m² [encompassing the existing dwelling]</p> <p>Amalgamation / Balance Lots 2 of 5200m² & 3 of 1555m² Lot 202 DP 606472</p>
9	<p>Residential (total 32) Lots 1 – 3, 14 – 17, 20, 21, 23, 25, 27, 36 – 43, 73 - 84 [ranging in area from 800m² to 2910m²]</p> <p>Public Road to vest Lot 110 Lot 116 Lot 117</p> <p>Local Purpose (LP) Reserve Lot 121 (Stormwater) Lot 122 (Stormwater) Lot 123 (Stormwater) Lot 124 (TBC)</p>
10	<p>Residential (total 13) Lots 18, 19, 22, 24, 26, 28 - 35 [ranging in area from 824m² to 2548²]</p> <p>Public Road to vest Lot 113</p>

<p>11</p>	<p>Residential (total 17) Lots 44 - 60 [ranging in area from 801m² to 2618m²]</p> <p>Public Road to vest Lot 112</p>
<p>12</p>	<p>Residential (total 12) Lots 61 – 72 [ranging in area from 802m² to 1749m²]</p> <p>Public Road to vest Lot 114</p>
<p>13</p>	<p>Residential (total 10) Lots 4 – 13 [ranging in area from 868m² to 1892m²]</p> <p>Public Road to vest Lot 115</p>

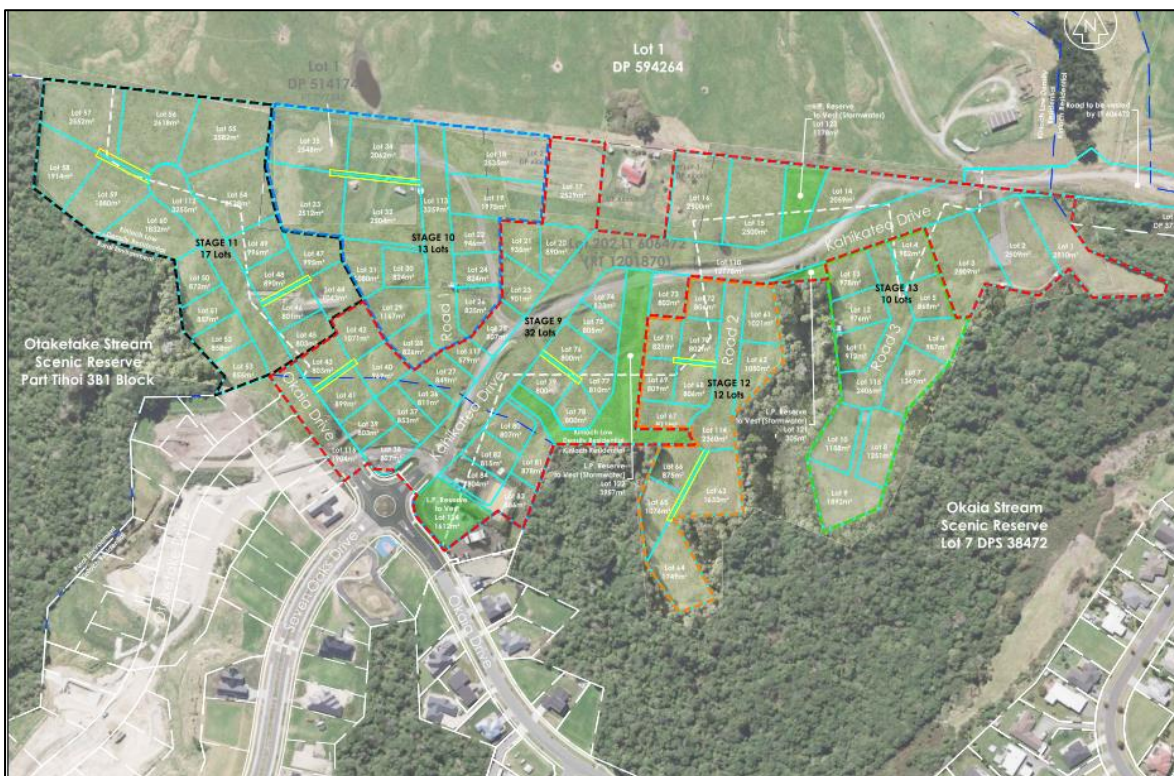


Figure 8: Proposed Scheme Plan of Subdivision

Roading / Access

The proposed lots will be served by new public roads that will feed off an extension to Kahikatea Drive to the northeast and Okaia Drive to the south. The Kahikatea Drive extension will connect to the existing round-a-bout with Okaia Drive and Seven Oaks Drive to the southwest and this road has largely completed construction as part of consented Stage 8 of RM200118 in order to comply with Condition 19 of RM200118 which requires its construction prior to application for section 224c approval for either Stages 8 or 9 of RM200118 (whichever is earlier). There are three new public roads that will extend off Okaia and Kahikatea Drives that will require formal Council approval for new road names.

All lots will have compliant access and vehicle crossings from a public road. The road reserve width of Okaia and Kahikatea Drives will be 20m, with an 8.5m carriageway and berms of 5.7m and 5.8m width. A dedicated 1.8m wide cycleway will be constructed on one berm, with a 1.4m wide footpath on the other.

The other cul-de-sacs within Stages 12 and 13 will be 16m road reserve width with 7m pavement width and upright kerb and channel both sides. A 2m wide combined cycleway and footpath will be constructed on one of the 4.5m wide berms with a vegetated stormwater swale on the opposite 4.5m wide berm.

Street lighting on all public roads will be continued in accordance with the style implemented in the existing Seven Oaks subdivision to the south.

Earthworks

Earthworks are required over the whole site to smooth the hillocks and hollows to form the infrastructure such as the roads, cycleways and stormwater infrastructure, and to minimise earthworks required for future lot owners. However as the general contour of the area is not steep, formation of individual building platforms is not proposed and some level of earthworks may be required for individual lots. The earthworks design involves minimising earthworks wherever possible, and no retaining walls are envisaged.

As the building setbacks are 10m there will be earthworks of greater than 0.5m vertical ground alteration within these setbacks. Earthworks of greater than 1.5m depth within the site will also be necessary in certain locations to contour the land. The maximum earthworks depths will be up to 3.5m cut, and 4m fill. The levels at the boundaries with the adjoining reserves to the east and west will be left unchanged.

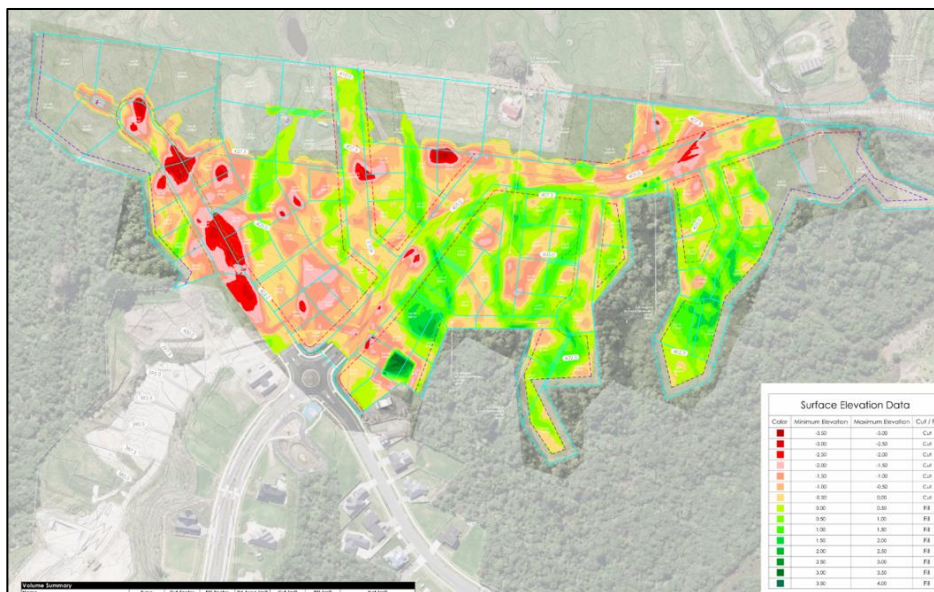


Figure 9: Earthworks Cut & Fill Plan

As the development will be progressed in stages, only portions of the site will be earthworked at one time. All fill material will be sourced from within the overall Seven Oaks site, and no material will be required to be transported into the site (or off the site).

There are areas of the application site where the earthworks will exceed 0.5m within the 10m setback to the reserve boundaries. In these locations the earthworks are necessary to create suitable building platforms which will generally be lower than the adjoining reserve levels.

The earthworks cut and fill plan is shown at Figure 9 above. The red and orange areas represent cut greater than 1.5m and are non compliant. The dark green colours represent fill greater than 1.5m. The lighter colours are cut/fill less than 1.5m and are compliant outside of the setbacks.

Water

The proposed subdivision will be supplied by water from Council's high pressure zone network. This main will extend along the length of Kahikatea Drive connecting to the existing reticulation in Okaia and Seven Oaks Drive, and up proposed Road 1 which provides access to the property to the north of the application site. Lower pressure 100mm mains and 50mm rider mains will be utilised for the serving of the individual lots. Cul-de-sacs will require 100mm mains to extend to the ends of the cul-de-sacs to allow for fire hydrants.

Wastewater

All lots will be connected to Council's reticulated wastewater network. This can be achieved primarily via gravity drainage. However, it is envisaged that 17 lots will require private pump stations, feeding into common rising mains as required and discharging into the gravity reticulation. The private pump stations will be provided and maintained by the eventual lot owner / developer when they build the dwelling. This approach has been used through previous stages as well.

The Lisland Drive pump station will need a storage upgrade to accommodate the additional flows. The details will be determined as part of the detailed design and upgrades implemented in the initial stage of the site development.

Stormwater

Stormwater runoff and disposal from dwelling and hard standing areas on each lot will be via individual soakage chambers sized to cater for a 10 year, one hour storm, designed and constructed with the dwellings in accordance with the Code of Practice.

All privately owned ROWs will collect stormwater via catchpits at regular intervals discharging to deep concrete lined soakholes under the ROW pavement for disposal to ground. The soakage chambers will be designed to contain a 10 year, one hour storm volume.

The roads are split into suitable catchment areas, with runoff collected via either swales or catchpits and directed to suitable sized soakage / attenuation ponds. These ponds will be sized for the 10-year, 1 hour storm event as per the Code of Practice and will meet the permitted activity rule standards in the Regional Plan.

In the event that flows to the primary disposal system of swales, pipes and soakage ponds for the public and private pavements exceed the system's capacity through either blockage or extreme event storms, secondary overland flow paths and emergency spillways will be provided to safely allow for passage of these flows. These flow paths will be provided within the road corridors and then through the stormwater reserves towards the existing flow paths below the site. Discharge points have been selected to align with existing flow paths into the adjacent downstream land. The design of the primary disposal system will be conservative to ensure that actual storage of runoff exceeds the 10-year, 1 hour requirement and that only extreme events will discharge flows off site and only once significant treatment has occurred for initial flows through filtration and settlement within the ponds.

Power/Telephone

Power and telephone connections will be provided to the proposed lots.

Building Bulk and Location

As the site is majority zoned Kinloch Low Density, apart from Lots 37-39 and 82-84 which are Kinloch Residential, particular building controls will be applied via consent notice to future development on all other residential lots. The building controls will mostly align with the Kinloch Residential provisions. No plot ratio provision is proposed. Within Stages 12 and 13 front boundary setbacks with access from Roads

2 and 3 will be reduced to allow buildings to be constructed up to 3m from the road boundary, provided that the garage door is not facing the road.

The following building controls that infringe the District Plan requirements of the District Plan are proposed:

- *building coverage – 25% on lots less than 1200m² [Lots 4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84]; 300m² or 15% whichever is the higher on lots 1200m² or greater [Lots 1 - 3, 7 - 9, 14 - 19, 32 - 35, 54 - 60, 63, 64]*
- *plot ratio – no limit*
- *building setback front boundary – 3m setback for dwelling façade, and 5m for garage door façade [Lots 4 – 8, 10 – 13, 61 – 63, 66 - 68, 70, 72 in Stages 12 and 13]; 5m all other lots*
- *building setback, all other boundaries – 1.5m on lots less than 1200m² and some irregular shaped lots greater than 1200m² [Lots 1, 4 – 10 – 13, 20 – 31, 36 – 53, 61, 62 – 84]; 5m on all other lots greater than 1200m² [Lots 1 - 3, 7 - 9, 14 - 19, 32 - 35, 54 - 60, 63, 64]*
- *building setback, Scenic Reserve boundaries – 7.5m [all lots]*
- *earthworks site disturbance – 90%*

The proposal restrictions noted above will be imposed via consent notice on the titles of the lots. All other Kinloch Low Density and/or Kinloch Residential performance standards as per the District Plan such as height to boundary, vehicle movements, signage etc will apply to the future lots relative to the zoning of those lots.

Fencing & Landscaping

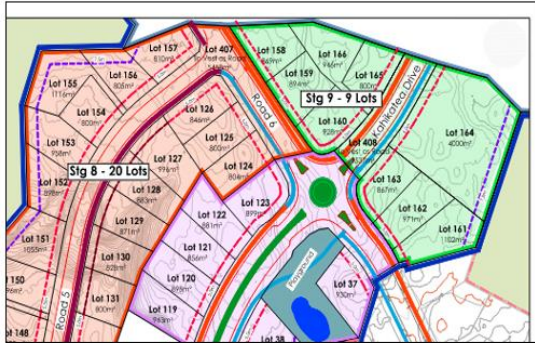
All stormwater reserves will be landscaped in accordance with an approved plan in agreement with Council. Fencing on the boundaries with the scenic reserve will be non-climbable, a maximum height of 1.8m and transparent i.e. pool type fencing, in order to protect the adjoining reserves from unauthorised access. The applicant will install the fencing at the time of subdivision construction along the boundaries of all proposed residential lots with the reserve, as well as the boundaries of the proposed Local Purpose reserves.

Lapse Period

The applicants request a longer lapse period than the default five year period, to 10 years for both the subdivision and land use proposals.

Changes to Subdivision Consent RM200118A

Some changes to the existing Seven Oaks subdivision consent are required given that consented Stage 9 has been reconfigured and is now to be part of the proposed subdivision. The images below show RM200118A Stage 9 with eight lots to the right (Lot 161 was shifted to be part of Stage 7 through RM200118A), and the proposed lot layout of part of Stages 9 and 11 of the current proposed subdivision on the left. As such, a change to subdivision consent RM200118A to withdraw Stage 9 from that consent and its related conditions is required.



This will necessitate changes to the following conditions of RM200118A:

- 1 The activity shall be undertaken in accordance with:
 - a The application prepared by Cheal Consultants Ltd and received by Taupō District Council on 27 May 2020.
 - b The further information provided by Cheal Consultants Ltd and received on 28 July and 11 September 2020.
 - c The plans prepared by Cheal Consultants Ltd referenced:
 - Scheme Plan Stages 2 – 9 – Drawing No 19630-SC001 Rev F
 - Scheme Plan Stages 3, 4, 5, 6 & 7 – Drawing No 19630-SC002 Rev F
 - Scheme Plan Stages 2, 8 & 9 – Drawing No 19630-SC003 Rev F
 - Earthworks Cut to Fill Plan – Drawing No 19630-SK108 Rev A
 and stamped ‘Approved Plan for RM200117 & RM200118’ following the grant of this consent.
 - d The application prepared by Cheal Consultants Ltd and received by Taupō District Council on 14 March 2023.
 - e The application prepared by Cheal Consultants Ltd and received by Taupō District Council on 20 November 2024.

- 2 The subdivision may be carried out over ~~eight~~ seven stages – Stages 2 – ~~9~~ as described in the table below. The Stages may be undertaken in any order and multiple stages may be undertaken at one time, as long as it does not affect the ability to comply with any of the consent conditions that must be implemented at certain Stages.

9	<p>Residential (total 8) 158 – 160, 162 – 166 [ranging in area from 800m² to 4000m²]</p> <p>Balance Lot Lot 500</p> <p>Public Road to vest 408</p>
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- 11 Stage 8 ~~and Stage 9 (or whichever is the earlier)~~ shall be connected to the Taupō District Council high pressure watermain at Kahikatea Drive, with a watermain size approved by council’s water modelers as suitable for the required high-pressure zone. A water headworks contribution of \$1,120 + GST shall be paid on stage completion for each lot connected to the high pressure main. This sum shall be escalated at an annually compounding rate of 3.5% per annum from 31 March 2019, until the date paid. **[Advice Note – This is in addition to the general water headworks contribution under consent condition 13. It is an agreed condition between the parties. It is not a formal Development Contribution.]**

- 12 The consent holder shall ensure that Kahikatea Drive is constructed and vested as a public collector road in accordance with the approved road construction plan (Condition 17) through the balance land to the northeast to connect with the existing Kahikatea Drive road formation within Oakdale Downs prior to application for 224c approval for Stage 8, ~~or 9, whichever is the earlier.~~

Cancellation of Consent Notices

This proposed subdivision involves Lots 1 and 2 DP 514174 which were created through Subdivision Consent RM170231. There are consent notices imposed through that earlier subdivision on the titles of these sites noting that there are no wastewater connections, no power or telecoms, and that no building can occur on Lot 1 until wastewater connection is provided. As these sites are to be subdivided and provided with those services through this proposal, the consent notices can be cancelled as part of this process.

Application RM230338-339 & RM200118B

The key differences between this current application for the Seven Oaks balance land and the 2023 application that was withdrawn are outlined in the following table.

Parameter	2023 Application (withdrawn)	2024 Application (current)
Reference Nos	230338-339 & 200118B	240388-389 & 200118C
Site Details	One site: Okaia Drive, Kinloch – Lot 504 DP 595759	Three sites: Otaketake Drive, Kinloch – Lot 202 DP 606472; 27 Kahikatea Drive, Kinloch – Lot 1 DP 514174; 25 Kahikatea Drive, Kinloch – Lot 2 DP 514174
No of Residential Lots	100	84
Minimum Lot Area	492m ²	800m ²
Maximum Lot Area	2451m ²	2910m ²
Average Lot Area	945m ²	1284m ²
Subdivision Layout	Lot areas layout were consistent across the balance land with a cluster of centrally located smaller lots of around 500m ² in area	Lot areas and layout consists of smaller lots to south and larger lots to north, northeast and northwest of the balance land, reflecting radial density of the KCSP
Staging	Eight stages [8-15]	Six stages [16, 9-13] with Stage 16 occurring first, as a subdivision of Lot 2 DP 514174

5 TAUPŌ DISTRICT PLAN

The majority of the site is zoned Kinloch Low Density Environment as shown by the lighter pink colour on the map at Figure 9, with some of the southern lots within Stage 9 being within the Kinloch Residential Environment as shown by the darker pink colour Planning Map C1 of the District Plan on Figure 10 below.

Okaia and Kahikatea Drives are classified as Local Road under the District Plan Roding Hierarchy. The adjoining reserve to the east is also Significant Natural Area 170 – Okaia Stream Scenic Reserve; and the reserve to the west is also Significant Natural Area 152 – Otaketake Stream Scenic Reserve which also has the overlay of Outstanding Landscape Area OLA28 – Northwestern Bays Whakaroa Point to Otuparae Point to the west and south.



Figure 10: District Plan Map

Section 1.9 of the District Plan discusses ‘Properties Subject to Two Zones’ and states:

Where a property is subject to two zones (such as the Residential Environment and Rural Environment), or an overlay (such as an [Outstanding Landscape Area](#)), any land use on that property will only be subject to the zone or overlay that directly affects the land use.

Where the actual land use (such as a house) straddles two zones, then the most restrictive provisions will apply.

Where a property affected by two zones, or overlays, is subdivided, the most restrictive provisions will apply.

As such, the subdivision is subject to the more restrictive zoning of Kinloch Low Density, and for the land use only Lots 37, 38, 39, 82, 83 and 84 are wholly contained within the Kinloch Residential Environment.

Proposed Subdivision

The proposed subdivision triggers the following rules in the Taupō District Plan:

Subdivision Rules (4a.3 & 4a.4)		
Rule	Requirement	Proposal
4a.3.3	Any within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water stormwater or wastewater utility services is a restricted discretionary activity .	The proposed subdivision will create new public roads and will extend existing water and wastewater utility services to service the proposed lots, therefore this rule is applicable.
4a.4.1.i.b Minimum Lot Size – Kinloch Low Density	1 hectare	The proposed 84 residential lots will have a minimum lot size of 800m ² , being 9200m ² less than the minimum of 1ha.
4a.4.1.ii.b Average Lot Size – Kinloch Low Density	1.5 hectares	The proposed 84 residential lots will have an average lot size of 1284m ² , being 8716m ² less than the minimum of 1ha.
4a.4.2	Any subdivision within the Kinloch Structure Plan which creates allotments that meet the minimum and average lot sizes identified in 4a.4.1 is a controlled activity .	All of the lots will be less than the minimum and average lot sizes, therefore this rule is <u>not</u> applicable.
4a.4.1	Any subdivision within the Kinloch Structure Plan Area which creates allotments that are less than the minimum lot size, but not less than the average lot sizes identified in 4a.4.1 is a discretionary activity	All of the lots will be less than the minimum and average lot sizes, therefore this rule is <u>not</u> applicable.
4a.4.5	Any subdivision within the Kinloch Structure Plan Area, which is not identified as a controlled or discretionary activity is a non complying activity .	All of the lots will be less than the minimum and average lot sizes for the Kinloch Low Density Environment, therefore this rule <u>is</u> applicable.

Overall, the proposed subdivision must be assessed as a **restricted discretionary** and a **non complying activity** in accordance with Taupō District Plan Rules 4a.3.3 and 4a.4.5. Under the principle of 'bundling' where there are two activity statuses the most restrictive shall apply. As such the proposed subdivision is considered as a **non complying activity**.

Proposed Land Use

The proposed land use triggers the following performance standards / rule in the Taupō District Plan:

RESIDENTIAL ENVIRONMENT - KINLOCH LOW DENSITY & RESIDENTIAL (Section 4a)		
Performance Standards & Development Controls (4a.1)		
Performance Standard	Requirement	Proposal
4a.1.1.iii Maximum Building Coverage	5%	<p><i>Future development on Lots 4-6, 10-13, 20-31, 36-53, 61, 62, 65-84</i></p> <p>25% - exceeding the limit by an additional 20%</p> <p><i>Future development on Lots 1-3, 7-9, 14-19, 32-35, 54-60, 63, 64</i></p> <p>15% or 300m² whichever is the greater - exceeding the limit by an additional 10%</p>
4a.1.2.iii Maximum Plot Ratio	7.5%	<p><i>Future development on all Lots within Low Density Area</i></p> <p>No limit on plot ratio, exceeding the 7.5% limit</p>
4a.1.2.iv Maximum Plot Ratio	30%	<p><i>Future development on Lots 37-39, 82-84</i></p> <p>No limit on plot ratio, exceeding the 30% limit</p>
4a.1.4.iii Minimum Building Setback Front Boundary	10m	<p><i>Future development on lots within Low Density Area with frontage onto Roads 2 & 3, being Lots 4-8, 10-13, 61-63, 66-68, 70, 72</i></p> <p>3m – encroaching into the required 10m setback by 7m.</p> <p><i>Future development on lots within Low Density Area with frontage onto all other Roads</i></p> <p>5m – encroaching into the required 10m setback by 5m.</p>
4a.1.5.iii Minimum Building Setback All other boundaries	10m	<p><i>Future development on Lots 1, 4-13, 20-31, 36-53, 61-84</i></p> <p>1.5m – encroaching into the required 10m setback by 8.5m.</p> <p>7.5m – from reserve boundaries, encroaching into the required 10m setback by 2.5m.</p>

		<p><i>Future development on Lots 2, 3, 14-19, 32-35, 54-60</i></p> <p>5m – encroaching into the required 10m setback by 5m.</p> <p>7.5m – from reserve boundaries, encroaching into the required 10m setback by 2.5m.</p>
<p>4a.1.12.v Maximum Earthworks</p> <p>Disturbance of the allotment at any one time while redeveloping</p>	10%	<p><i>Future development on all Lots (Low Density & Residential)</i></p> <p>90%, exceeding the limit by an additional 80%.</p>
<p>4a.1.12.iv Maximum Earthworks</p> <p>Disturbance of the allotment at any one time while redeveloping</p>	50%	<p><i>Future development on Lots 37-39, 82-84</i></p> <p>90%, exceeding the limit by an additional 40%.</p>
<p>4a.1.13 Maximum Earthworks</p> <p>Outside Building Setback</p>	1.5m vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.	Earthworks cut / fill of up to 4m will be required to construct the new roads and to shape the proposed lots / reserves, exceeding the 1.5m vertical ground alteration by an additional 2.5m.
<p>4a.1.14 Maximum Earthworks</p> <p>Inside Building Setback</p>	0.5m vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.	Earthworks cut / fill of up to 4m will be required to shape the proposed lots / reserves, exceeding the 0.5m vertical ground alteration by an additional 3.5m.
General Rules (4a.2)		
Rule	Requirement	Proposal
4a.2.13	Any activity which does not comply with four or more development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof, is a non-complying activity .	The proposed land use will infringe four development control standards and three general performance standards therefore this rule is applicable.

Overall, the proposed land use must be assessed as a **non complying activity** in accordance with Taupō District Plan Rule 4a.2.13.

Note A: *Future development on all of the proposed lots will be able to comply with building height, the parking, loading and access requirements and will not exceed the maximum equivalent vehicle movement limit of 24 per day.*

Note B: It is noted that whilst the subdivision and land use application activities are integrated i.e. it is for one comprehensive development, the way the Kinloch subdivision rules are set out in the District Plan is different to the subdivision rules within the Residential Environment (within rest of Taupō District). Minimum and average allotment sizes are specified and activity status for the subdivision derived from that (controlled, discretionary or non complying). The rules do not refer to corresponding land use consent, as such it is not appropriate to bundle the subdivision and land use. In this instance, they are the same activity status in any case.

6 NOTIFICATION ASSESSMENT

Sections 95A-E of the RMA set out the steps that must be followed in order to determine the notification process for a resource consent application – public, limited or non-notification.

Section 95A sets out the steps that must be followed in the order given to determine whether to publicly notify an application for resource consent.

STEP 1: Mandatory public notification in certain circumstances

Section 95A(3) states:

- (a) The applicant has requested that the application be publicly notified;
- (b) Public notification is required under Section 95C;
- (c) The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 1 requires determination of whether the application meets any of the criteria set out in subsection (3) above, and -

- (a) If the answer is yes, publicly notify the application; and
- (b) If the answer is no, go to Step 2.

The applicant requests that the application be publicly notified as stated on page 48 of the application document, as such there is no requirement to proceed beyond Step 1 of Section 95A nor to assess the other Sections 95B-E of the RMA.

Conclusion on Notification

In conclusion, the application must be **publicly notified** in accordance with Section 95A(2)(a) of the RMA.

The public notice will be served directly on the following parties: Department of Conservation, Ministry for the Environment, Waikato Regional Council, Kinloch Community Association, Te Kotahitanga o Ngāti Tūwharetoa, Raukawa, Mokai Marae, Heritage New Zealand Pouhere Taonga, New Zealand Archaeological Association

Report prepared by Louise Wood, Senior Resource Consents Planner.

Report reviewed, approved and recommendation adopted by Heather Williams, Resource Consents Manager, under delegated authority pursuant to Section 34 of the Resource Management Act 1991.